

05-02-05

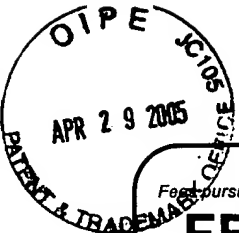
DAC *[Signature]*
PTO/SB/21 (09-04)

TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/688,017	
	Filing Date	October 13, 2000	
	First Named Inventor	Lu, Peter S.	
	Art Unit	1644	
	Examiner Name	Belyavskiy, Michail A.	
Total Number of Pages in This Submission	12	Attorney Docket Number	020054-001110US

ENCLOSURES (Check all that apply)				
<input checked="" type="checkbox"/> Fee Transmittal Form - 1 pg in duplicate (2 pgs total) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Resubmission of Application for Patent Term Extension (3 pgs) Exhibits to Resubmission 1, 2 and 3 (4 pgs); Copy of Decision (2 pgs); and Return Postcard		
<table border="1"><tr><td>Remarks</td><td>The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.</td></tr></table>			Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Townsend and Townsend and Crew LLP		
Signature	<i>Mark G. Sandbaken</i>		
Printed name	Mark G. Sandbaken, Ph.D.		
Date	4/29/05	Reg. No.	39,354

CERTIFICATE OF TRANSMISSION/MAILING			
Express Mail Label: EV 520 891 260 US I hereby certify that this correspondence is being deposited with the United States Postal Service with "Express Mail Post Office to Address" service under 37 CFR 1.10 on April 29, 2005 and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature	<i>Jordan Magat</i>		
Typed or printed name	Jordan Magat	Date	04/29/2005



Effective on 12/08/2004.
Fee pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 200

Complete if Known

Application Number	09/688,017
Filing Date	October 13, 2000
First Named Inventor	Lu, Peter S.
Examiner Name	Belyavskiy, Michail A.
Art Unit	1644
Attorney Docket No.	020054-001110US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
☒ Deposit Account Deposit Account Number: 20-1430 Deposit Account Name: Townsend and Townsend and Crew LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES Small Entity		SEARCH FEES Small Entity		EXAMINATION FEES Small Entity		Fees Paid (\$)
	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Small Entity	
	Fee (\$)	Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____	_____	_____	_____

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____	_____

- 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

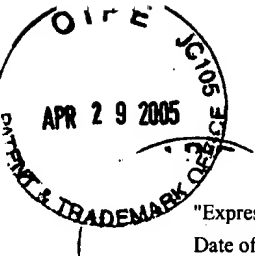
Other: Request for Patent Term Extension

Fees Paid (\$)

200

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	39,354	Telephone	650-326-2400
Name (Print/Type)	Mark G. Sandbaken, Ph.D.			Date	April 29, 2005



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PATENT
Docket No.: 020054-001110US

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to:

By: 

Jordan Magat

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Peter S. Lu et al.

Application No.: 09/688,017

Filed: October 13, 2000

For: METHOD OF DETERMINING
INTERACTIONS WITH PDZ DOMAIN
POLYPEPTIDES (AMENDED)

Examiner: Belyavskiy, Michail A.

Art Unit: 1644

**RESUBMISSION OF APPLICATION
FOR PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705**

Mail Stop Issue Fee

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Decision on Application for Patent Term Adjustment, and to the Notice of Allowance and Fee(s) Due, mailed December 16, 2004, and in accordance with 37 C.F.R. § 1.705, Applicants respectfully request re-consideration of the application for patent term adjustment.

Statement of Facts- 37 C.F.R. § 1.705(b)(2)

(i) Correct Patent Term Adjustment and Basis

Applicants respectfully submit that the correct patent term adjustment is +42 days.

The patent term adjustment calculated by the U.S. Patent and Trademark Office ("PTO"), as stated in the Notice of Allowance and Fee(s) Due ("Notice of Allowance") was zero days. That calculation, however, did not include an adjustment under 37 C.F.R. § 1.702(b) for failure to

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issue a patent within three years after the filing date. In particular, under 37 C.F.R. § 1.702(b), the patent term adjustment includes the number of days, if any, in the period beginning on the day after the date that is three years after the filing date, but does not include, *e.g.*, any periods starting from the date a request for continued examination (“RCE”) of the application under 35 U.S.C. § 132(b) was filed.

(ii) Relevant Dates

The above-identified application was filed October 13, 2000. The start of the patent adjustment period under 37 C.F.R. § 1.702(b) was October 13, 2003, three years after the filing date. An RCE was filed for this application on January 28, 2004. The application was pending the entire time from October 13, 2000 through January 28, 2004. Thus, the 106 day period from October 14, 2003 to January 27, 2004, should have been considered when determining the patent term adjustment. Copies of postcards stamped with the application filing date and the RCE filing date are enclosed herewith as Exhibits 1 and 2, respectively.

As indicated on the PAIR Patent Term Adjustment History, enclosed herewith as Exhibit 3, the Patent Office did not credit Applicants for this 106 day period when determining the patent term adjustment. Recalculation of the patent term adjustment using the 106 day period discussed above results in a 42 day patent term adjustment, as follows:

Event	PTO Delay (Days)	Appl Delay (Days)
01-27-2004 Failure to issue patent within three years of filing date (10-13-2000)	+106	
10-06-2004 Response after Non-Final Action		-92
05-19-2003 Response after Non-Final Action		-89
07-01-2002 Mail Restriction Requirement	+200	
06-04-2002 Response to a Letter to Comply with the Sequence Rules		- 83
Total	+306	-264
Total Adjustment: +42 days		

(iii) Terminal Disclaimer

This application is not subject to a terminal disclaimer.

(iv) Circumstances

There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application.

The Commissioner is hereby authorized to charge the fee of \$200.00 for filing a request for re-consideration of the application for patent term adjustment as set forth in § 1.18(e), and any other fees which may be required, or credit any overpayment, to Deposit Account No. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (650) 326-2400.

Respectfully submitted,



Mark G. Sandbaken, Ph.D.
Reg. No. 39,354

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (650) 326-2400
Fax: (650) 326-2422
MGS:adm

POST OFFICE TO ADDRESSEE

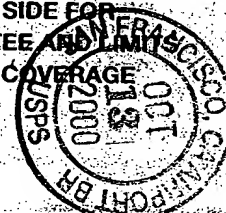


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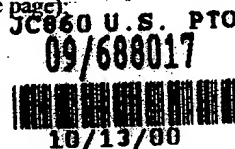
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UNITED STATES PATENT AND TRADEMARK OFFICE

Mailing Date: October 13, 2000 Express Mail Label No.: EL496154775US
File No.: 020054-001110US Attorney: RTA/djb
Serial No.: Not Yet Assigned Filed: October 13, 2000
Inventor(s): Lu, et al.
Title: MOLECULAR INTERACTIONS IN HEMATOPOIETIC CELLS

1. Non-provisional Patent Application (141 pages of specification, 5 pages of claims, 1 pages of informal drawings, 1 page of abstract and 1 title page);
2. Transmittal Letter;
3. Unsigned Declaration & Power of Attorney;
4. Postcard.



Please stamp the date of receipt of the enclosed documents and return this card to addressee
PA 3103302 v1

NOV 14 2000

EL496154775US

PTO Stamp indicates receipt of:

☒ Patent Matter

☐ Trademark Matter

Application Docket No.: 020054-001110US

Applicant: LU et al.

Title: MOLECULAR INTERACTIONS IN HEMATOPOIETIC CELLS

Serial/Reg. No.: 09/688,017

Filed/Issued Date: October 13, 2000

REC'D

FEB 23 2004

LIST ALL DOCUMENTS BEING SENT TO PATENT OFFICE:

1. Transmittal Form
2. Fee Transmittal
3. Petition for Extension of Time Under 37 CFR 1.136(a)
4. Request for Continued Examination (RCE) (2 pages)
5. Amendment Under 37 CFR 1.116 Exp[edited Procedure Examining Group 1644 (8,158cs)]
6. Interview Summary (2 pages)

Initials: SLA/tnd

Express Mail No.: EV 325767658 US

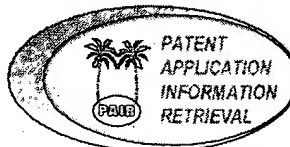
Date: January 28, 2004



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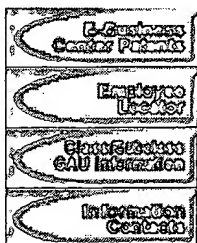
PATENT APPLICATION INFORMATION RETRIEVAL



Printer Friendly Version

Patent Term Adjustment (PTA) for application number: 09/688,017			
			Days
Filing or 371(c) Date:	10-13-2000	USPTO Delay (PTO):	200
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	264
Post-Issue Petitions (days):	+0	Total PTA:	0
USPTO Adjustment (days):	+0	Explanation of Calculations	

Other Links



Select Search Option

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☐ Display References
☐ File History
☐ Image File Wrapper
☐ Publication Review

Patent Term Adjustment History

Date	Contents Description	PTO (days)	APPL (days)
12-16-2004	Mail Notice of Allowance		
12-13-2004	Notice of Allowance Data Verification Completed		
12-13-2004	Issue Revision Completed		
12-13-2004	Notice of Allowability		
10-06-2004	Information Disclosure Statement (IDS) Filed		
10-06-2004	New or Additional Drawing Filed		
10-20-2004	Date Forwarded to Examiner		
10-06-2004	Response after Non-Final Action		92
10-06-2004	Request for Extension of Time - Granted		↑
10-06-2004	Workflow incoming amendment IFW		↑
10-04-2004	Mail Examiner Interview Summary (PTOL - 413)		↑
09-29-2004	Examiner Interview Summary Record (PTOL - 413)		↑
06-18-2004	Reference capture on IDS		↑
06-18-2004	Information Disclosure Statement (IDS) Filed		↑
04-06-2004	Mail Non-Final Rejection		↑
04-05-2004	Non-Final Rejection		
01-30-2004	Reference capture on IDS		
01-30-2004	Information Disclosure Statement (IDS) Filed		
02-17-2004	Date Forwarded to Examiner		
01-27-2004	Request for Continued Examination (RCE)		
	DISPOSAL FOR A RCE/CPA/129 (express abandonment if		

02-17-2004	CPA)		
01-27-2004	Request for Extension of Time - Granted		
02-09-2004	IFW Amended case processing Complete		
02-09-2004	Reference capture on IDS		
01-30-2004	Information Disclosure Statement (IDS) Filed		
01-26-2004	Workflow - Request for RCE - Begin		
12-02-2003	Examiner Interview Summary Record (PTOL - 413)		
07-28-2003	Mail Final Rejection (PTOL - 326)		
07-28-2003	Final Rejection		
06-02-2003	Date Forwarded to Examiner		
05-19-2003	Response after Non-Final Action		89
05-19-2003	Request for Extension of Time - Granted		↑
05-31-2003	Case Docketed to Examiner in GAU		↑
11-19-2002	Mail Non-Final Rejection		↑
11-18-2002	Non-Final Rejection		
09-10-2002	Date Forwarded to Examiner		
09-03-2002	Response to Election / Restriction Filed		
09-03-2002	Request for Extension of Time - Granted		
07-01-2002	Mail Restriction Requirement	200	
07-01-2002	Requirement for Restriction / Election	↑	
06-27-2002	CRF Is Good Technically / Entered into Database	↑	
06-14-2002	Date Forwarded to Examiner	↑	
06-04-2002	Response to a Letter to Comply with the Sequence Rules	↑	83
06-04-2002	Request for Extension of Time - Granted	↑	↑
12-13-2001	Mail Letter Requiring CRF (Unreadable, Non-Compliant, Not Submitted)	↑	↑
12-12-2001	CRF Diskette Unreadable / Did Not Comply / Required but Not Submitted	↑	
09-02-2001	Case Docketed to Examiner in GAU	↑	
05-03-2001	Case Docketed to Examiner in GAU	↑	
02-02-2001	Application Dispatched from OIPE	↑	
02-02-2001	Application Is Now Complete	↑	
11-28-2000	Notice Mailed--Application Incomplete--Filing Date Assigned	↑	
11-28-2000	Correspondence Address Change	↑	
10-30-2000	IFW Scan & PACR Auto Security Review	↑	
10-13-2000	Initial Exam Team nn	↑	

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020054-001110US
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APR 26 2005

Response Due 05/26/05

OFFICE OF PETITIONS

In re Application :
Lu, et al. :
Application No. 09/688,017 : DECISION ON APPLICATION
Filed: October 13, 2000 : FOR PATENT TERM ADJUSTMENT
Atty Docket No. 20054-001110US :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705", filed February 23, 2005. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from zero (0) days to forty-two (42) days.

The application for patent term adjustment under § 1.705(b) is **DISMISSED**. Applicants did not pay the required \$200 PTA fee, and as such, the Office will not look into the matter on the merits. Applicants are given **THIRTY (30) DAYS** from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Please note that The Office will hold in abeyance any request that additional PTA be accorded for the failure to issue the patent within three years until after the patent issues, even where applicants filed an RCE.¹

¹ Applicants should note that if an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period of pendency before the Office except for periods excluded under 35 U.S.C. (b)(1)(B)(i)-(iii), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in

Application No. 09/688,017

Page 2

The application file is being forwarded to the Office of Patent Publication for timely issuance of the patent.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

*1/16/05
Karin Ferriter*

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A).